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General Assembly

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Sixtieth session
Third Committee
Agenda item 71 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Angola, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Morocco, Nigeria, Rwanda, Sao Tome and Principe, South Africa and Tunisia: draft resolution

Subregional Centre for Human Rights and Democracy in Central Africa

The General Assembly,

Recalling its resolution 55/105 of 4 December 2000, concerning regional arrangements for the promotion and protection of human rights,

Recalling also its resolution 59/183 of 20 December 2004 on the Subregional Centre for Human Rights and Democracy in Central Africa,

Recalling further its resolutions 55/34 B of 20 November 2000 and 55/233 of 23 December 2000, section III of its resolution 55/234 of 23 December 2000 and its resolution 58/176 of 22 December 2003,

Recalling that the World Conference on Human Rights recommended that more resources be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,[1]

Recalling also the report of the United Nations High Commissioner for Human Rights,[2]

[1] See A/CONF.157/24 (Part I), chap. III.
[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 36*, addendum (A/56/36/Add.1).

05-58190 (E) 021105

Taking note of the holding of the twenty-second ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa in Brazzaville from 14 to 18 March 2005,

Taking note also of the report of the Secretary-General on the Centre,[3]

Welcoming the 2005 World Summit Outcome,[4] in particular the decision confirmed therein to double the regular budget of the Office of the United Nations High Commissioner for Human Rights over the next five years,

1. *Welcomes* the activities of the Subregional Centre for Human Rights and Democracy in Central Africa at Yaoundé;

2. *Notes with satisfaction* the support provided for the establishment of the Centre by the host country;

3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide additional funds and human resources to enable the Subregional Centre to respond positively and effectively to the growing needs in the promotion and protection of human rights and in developing a culture of democracy in the Central African subregion;

4. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-first session a report on the implementation of the present resolution.

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[3] A/60/353.

[4] Resolution 60/1.

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Agenda item 71 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Afghanistan, Algeria, Bangladesh, Barbados, Cuba, Djibouti, Egypt, Eritrea, Guinea, Iran (Islamic Republic of), Kenya, Libyan Arab Jamahiriya, Malaysia, Morocco, Nicaragua, Pakistan, Philippines, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, Uganda, United Arab Emirates, Viet Nam, Yemen and Zimbabwe: draft resolution

Globalization and its impact on the full enjoyment of all human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights,[1] as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2]

Recalling also the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3]

Recalling further the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.
[3] See resolution 2200 A (XXI), annex.

05-58472 (E) 031105

Recalling the United Nations Millennium Declaration[4] and the outcome documents of the twenty-third[5] and twenty-fourth[6] special sessions of the General Assembly, held in New York from 5 to 10 June 2000 and in Geneva from 26 June to 1 July 2000, respectively,

Recalling also its resolution 59/184 of 8 March 2005,

Recalling further Commission on Human Rights resolution 2005/17 of 14 April 2005 on globalization and its impact on the full enjoyment of all human rights,[7]

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more exposed to external developments, positive as well as negative, inter alia, in the field of human rights,

Realizing also that globalization is not merely an economic process, but that it also has social, political, environmental, cultural and legal dimensions, which have an impact on the full enjoyment of all human rights,

Welcoming the affirmation of the commitment contained in paragraphs 19 and 47 of the 2005 World Summit Outcome[8] to promote fair globalization and the development of the productive sectors in developing countries to enable them to participate more effectively in and benefit from the process of globalization,

Realizing further the need to undertake a thorough, independent and comprehensive assessment of the social, environmental and cultural impact of globalization on societies,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, convinced that, in their rich variety and diversity and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind, and aware that the risk of a global monoculture poses more of a threat if the developing world remains poor and marginalized,

Recognizing also that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Underlining the urgency of mainstreaming and addressing migration in the context of globalization,

Expressing concern at the negative impact of international financial turbulence on social and economic development and on the full enjoyment of all human rights,

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[4] See resolution 55/2.

[5] Resolution S-23/2, annex, and resolution S-23/3, annex.

[6] Resolution S-24/2, annex.

[7] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

[8] Resolution 60/1.

Recognizing that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as equity, participation, accountability, non-discrimination at both the national and international levels, respect for diversity, tolerance and international cooperation, and solidarity,

Deeply concerned at the inadequacy of measures to narrow the widening gap between the developed and the developing countries, and within countries, which has contributed, inter alia, to deepening poverty and has adversely affected the full enjoyment of all human rights, in particular in developing countries,

Noting that human beings strive for a world that is respectful of human rights and cultural diversity and that, in this regard, they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. *Emphasizes* that development should be at the centre of the international economic agenda and that coherence between national development strategies, and international obligation and commitments are imperative for an enabling environment for development and an inclusive and equitable globalization;

3. *Reaffirms* that narrowing the gap between rich and poor, both within and between countries, is an explicit goal at the national and international levels, as part of the effort to create an enabling environment for the full enjoyment of all human rights;

4. *Reaffirms also* the commitment to create an environment at both the national and the global levels that is conducive to development and to the elimination of poverty through, inter alia, good governance within each country and at the international level, transparency in the financial, monetary and trading systems and commitment to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;

5. *Recognizes* that, while globalization offers great opportunities, the fact that its benefits are very unevenly shared and its costs unevenly distributed represents an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries;

6. *Welcomes* the report of the United Nations High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights,[9] which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

7. *Calls upon* Member States, relevant agencies of the United Nations system, intergovernmental organizations and civil society to promote equitable and environmentally sustainable economic growth for managing globalization so that poverty is systematically reduced and the international development targets are achieved;

[9] E/CN.4/2002/54.

8. *Recognizes* that only through broad and sustained efforts, including policies and measures at the global level to create a shared future based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights;

9. *Underlines* the urgent need to establish an equitable, transparent and democratic international system to strengthen and broaden the participation of developing countries in international economic decision-making and norm-setting;

10. *Affirms* that globalization is a complex process of structural transformation, with numerous interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development;

11. *Affirms also* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

12. *Underlines*, therefore, the need to continue to analyse the consequences of globalization for the full enjoyment of all human rights;

13. *Takes note* of the report of the Secretary-General,[10] and requests the Secretary-General to seek further the views of Member States and relevant agencies of the United Nations system and to submit a substantive report on this subject to the General Assembly at its sixtieth sixty-first session.

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[10] A/59/320.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Cuba, Democratic People's Republic of Korea, Djibouti, Eritrea, Ethiopia, Gambia, Iraq, Jordan, Kenya, Kuwait, Maldives, Mali, Marshall Islands, Mauritania, Morocco, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Saint Vincent and the Grenadines, Senegal, Sudan, Togo, Tunisia, United Arab Emirates and Yemen: draft resolution

Establishment of a United Nations human rights training and documentation centre for South-West Asia and the Arab region

The General Assembly,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,[1]

Recalling the Vienna Declaration and Programme of Action of 1993,[2] which reiterated the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling also its resolutions 32/127 of 16 December 1977, 51/102 of 12 December 1996 and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling further Commission on Human Rights resolution 1993/51 of 9 March 1993[3] and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.
[3] See *Official Records of the Economic and Social Council, 1993, Supplement No. 3* and corrigenda (E/1993/23 and Corr.2, 4 and 5), chap. II, sect. A.

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Recalling the report of the Secretary-General on regional arrangements for the promotion and protection of human rights,[4]

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights, economic, civil, cultural, political and social, including the right to development,

Reaffirming also that regional cooperation plays a fundamental role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection,

Committed to enhancing subregional, regional and international cooperation to promote universal respect, and observance of, human rights and fundamental freedoms, in conformity with international obligations,

Convinced that cooperation between the United Nations and regional initiatives in the field of human rights continues to be both substantive and supportive and that possibilities exist for increased cooperation,

Recalling its resolutions 49/184 of 23 December 1994, proclaiming the United Nations Decade for Human Rights Education (1995-2004), and 59/113 of 10 December 2004, proclaiming the World Programme for Human Rights Education to begin on 1 January 2005, and Commission on Human Rights resolutions 1993/56 of 9 March 1993[5] on education and human rights, and 2003/70 of 25 April 2003,[6] on the United Nations Decade for Human Rights Education,

Recognizing that human rights education can play a crucial role in enhancing respect for human rights and fundamental freedoms and can contribute to the promotion of human rights, the achievement of a culture of peace, in particular the teaching of the practice of non-violence, and respect for the rule of law,

Noting the endorsement and the support expressed by the Council of the League of Arab States and the member States of the Gulf Cooperation Council and in the Brasilia Declaration adopted at the South American and Arab Countries Summit[7] for the initiative of the State of Qatar to host a United Nations centre for human rights for South-West Asia and the Arab region,

Noting also Commission on Human Rights resolutions 2005/71 and 2005/73 of 20 April 2005[8] welcoming the offer by the Government of Qatar to host a United Nations centre for human rights in South-West Asia and the Arab region,

Noting further the support expressed by the thirteenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, held in Beijing from 30 August to 2 September 2005, for the initiative of the State of Qatar to host a United Nations centre for human rights for South-West Asia and the Arab region,

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[4] A/59/323.

[5] See *Official Records of the Economic and Social Council, 1993, Supplement No. 3* and corrigenda (E/1993/23 and Corr.2, 4 and 5), chap. II, sect. A.

[6] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II.A.

[7] A/59/818, annex.

[8] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II.B.

Mindful of the vastness of and the diversity within South-West Asia and the Arab region,

1. *Takes note with satisfaction* of the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machineries for the promotion and protection of human rights, in particular through technical cooperation, which is aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

2. *Welcomes* the initiative of the Government of Qatar to host a United Nations human rights training and documentation centre for South-West Asia and the Arab region, which will be under the supervision of the Office of the High Commissioner, with the mandate to undertake training and documentation activities according to international standards and to support such efforts within the region by Governments, United Nations agencies and programmes, national human rights institutions and non-governmental organizations;

3. *Requests* the Secretary-General and the Office of the High Commissioner to give their support to the establishment of a United Nations human rights training and documentation centre for South-West Asia and the Arab region, to conclude an agreement with the host country regarding its establishment and to make available resources for the establishment of the centre;

4. *Requests* the Secretary-General to submit to the General Assembly at its sixty-first session a report on the implementation of the present resolution;

5. *Decides* to consider this question further at its sixty-first session.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Congo, Fiji, France, Haiti, India, Indonesia, Ireland, Madagascar, Mauritius, Panama, Switzerland, Tunisia: draft resolution

National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its resolutions and those of the Commission on Human Rights concerning national institutions for the promotion and protection of human rights,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played an important role and should continue to play a more important role in assisting the development of national institutions,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[1] which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in remedying human rights violations, in disseminating information on human rights and in education in human rights,

[1] A/CONF.157/24 (Part I), chap. III.

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Recalling also the Beijing Platform for Action,[2] in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Noting the diverse approaches adopted throughout the world for the promotion and protection of human rights at the national level, emphasizing the universality, indivisibility and interdependence of all human rights, and emphasizing and recognizing the value of such approaches in promoting universal respect for and observance of human rights and fundamental freedoms,

Recalling the programme of action adopted by national institutions, at their meeting in Vienna in June 1993 during the World Conference on Human Rights,[3] for the promotion and protection of human rights, wherein it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Noting the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation,

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

Noting with appreciation the existence of the regional human rights networks in Europe and Africa, the continuing work of the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia Pacific Forum of National Human Rights Institutions and the Coordinating Committee of African National Human Rights Institutions,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

1. *Welcomes* the report of the Secretary-General;[4]

2. *Reaffirms* the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles"), contained in the annex to resolution 48/134 of 20 December 1993;

3. *Reiterates* the continued importance of the Paris Principles, recognizes the value of further strengthening their application, where appropriate, and encourages States, national institutions and other interested parties to consider ways to achieve this;

4. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[3] it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in

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[2] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[3] See A/CONF.157/NI/6.

[4] A/60/299.

order to promote human rights in accordance with international human rights standards;

5. *Encourages* Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action;

6. *Welcomes* the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights;

7. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

8. *Notes with satisfaction* the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

9. *Reaffirms* the role of national institutions, where they exist, as appropriate agencies, inter alia, for the dissemination of human rights materials and other public information activities, including those of the United Nations;

10. *Urges* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions as part of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights;

11. *Commends* the high priority given by the Office of the United Nations High Commissioner for Human Rights to work on national institutions, encourages the High Commissioner, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, and invites Governments to contribute additional funds to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for that purpose;

12. *Welcomes* the establishment of a national institutions website as an important vehicle for the delivery of information to national institutions as also the launch of a database of comparative analysis of procedures and methods of complaint-handling by national human rights institutions;

13. *Notes with appreciation* the increasingly active and important role of the International Coordinating Committee of National Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

14. *Also notes with appreciation* the holding of regular meetings of the International Coordinating Committee of National Institutions and the arrangements

for the participation of national human rights institutions in the annual sessions of the Commission on Human Rights;

15. *Requests* the Secretary-General to continue to provide the necessary assistance for holding meetings of the International Coordinating Committee of National Institutions during the sessions of the Commission on Human Rights, in cooperation with the Office of the United Nations High Commissioner for Human Rights;

16. *Welcomes* the continuation of the practice of national institutions convening regional meetings in some regions, and its initiation in others, and encourages national institutions, in cooperation with the United Nations High Commissioner for Human Rights, to organize similar events with Governments and non-governmental organizations in their own regions;

17. *Requests* the Secretary-General to continue to provide, including from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for holding international and regional meetings of national institutions;

18. *Recognizes* the important and constructive role that non-governmental organizations may play, in cooperation with national institutions, for better promotion and protection of human rights;

19. *Expresses its appreciation* to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

20. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national institutions;

21. *Encourages* all United Nations entities, funds and agencies to work in close cooperation with national institutions in the promotion and protection of human rights;

22. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Australia, Azerbaijan, Bhutan, Cameroon, Canada, Chile, Colombia, Congo, Croatia, Cyprus, Czech Republic, Dominican Republic, Ecuador, Estonia, Ethiopia, Fiji, France, Germany, Ghana, Guyana, Haiti, India, Indonesia, Ireland, Italy, Japan, Madagascar, Mali, Mauritius, Mongolia, Myanmar, Nigeria, Norway, Panama, Peru, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Senegal, Sri Lanka, Switzerland, Tunisia, Ukraine and Venezuela (Bolivarian Republic of): revised draft resolution

National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its resolutions and those of the Commission on Human Rights concerning national institutions for the promotion and protection of human rights,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played an important role and should continue to play a more important role in assisting the development of national institutions,

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Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[1] which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in remedying human rights violations, in disseminating information on human rights and in education in human rights,

Recalling also the Beijing Declaration and Platform for Action,[2] in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with same emphasis,

Bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds, and that all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Recalling the programme of action adopted by national institutions, at their meeting in Vienna in June 1993 during the World Conference on Human Rights,[3] for the promotion and protection of human rights, wherein it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Noting the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation,

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

Noting with appreciation the existence of the regional human rights networks in Europe, the continuing work of the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia Pacific Forum of National Human Rights Institutions and the Coordinating Committee of African National Human Rights Institutions,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

1. *Welcomes* the report of the Secretary-General;[4]

2. *Reaffirms* the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human

[1] A/CONF.157/24 (Part I), chap. III.

[2] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[3] See A/CONF.157/NI/6.

[4] A/60/299.

rights, in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles"), contained in the annex to resolution 48/134 of 20 December 1993;

3. *Reiterates* the continued importance of the Paris Principles, recognizes the value of further strengthening their application, where appropriate, and encourages States, national institutions and other interested parties to consider ways to achieve this;

4. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[1] it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

5. *Also recognizes* that national institutions have a crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights and calls upon States to ensure that all human rights are appropriately reflected in the mandate of their national human rights institutions when established;

6. *Encourages* Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action;

7. *Welcomes* the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights;

8. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

9. *Notes with satisfaction* the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

10. *Reaffirms* the role of national institutions, where they exist, as appropriate agencies, inter alia, for the dissemination of human rights materials and other public information activities, including those of the United Nations;

11. *Urges* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions as part of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights;

12. *Commends* the high priority given by the Office of the United Nations High Commissioner for Human Rights to work on national institutions, encourages the High Commissioner, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, and invites Governments to contribute additional funds to

the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for that purpose;

13. *Welcomes* the establishment of a national institutions website as an important vehicle for the delivery of information to national institutions as also the launch of a database of comparative analysis of procedures and methods of complaint-handling by national human rights institutions;

14. *Notes with appreciation* the increasingly active and important role of the International Coordinating Committee of National Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

15. *Also notes with appreciation* the holding of regular meetings of the International Coordinating Committee of National Institutions and the arrangements for the participation of national human rights institutions in the annual sessions of the Commission on Human Rights;

16. *Requests* the Secretary-General to continue to provide the necessary assistance for holding meetings of the International Coordinating Committee of National Institutions during the sessions of the Commission on Human Rights, in cooperation with the Office of the United Nations High Commissioner for Human Rights;

17. *Welcomes* the continuation of the practice of national institutions convening regional meetings in some regions, and its initiation in others, and encourages national institutions, in cooperation with the United Nations High Commissioner for Human Rights, to organize similar events with Governments and non-governmental organizations in their own regions;

18. *Requests* the Secretary-General to continue to provide, including from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for holding international and regional meetings of national institutions;

19. *Recognizes* the important and constructive role that civil society can play, in cooperation with national institutions, for better promotion and protection of human rights;

20. *Expresses its appreciation* to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

21. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national institutions;

22. *Encourages* all United Nations entities, funds and agencies to work in close cooperation with national institutions in the promotion and protection of human rights, and in this regard welcomes efforts made through the action 2 initiative of the Secretary-General;

23. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution.

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Agenda item 71 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Malaysia:* draft resolution

Human rights and unilateral coercive measures

The General Assembly,

Recalling all its previous resolutions on this subject, the most recent of which was resolution 59/188 of 20 December 2004, and Commission on Human Rights resolution 2005/14 of 14 April 2005,[1]

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report of the Secretary-General,[2] submitted pursuant to Commission on Human Rights resolution 1999/21 of 23 April 1999,[3] and the reports of the Secretary-General on the implementation of resolutions 52/120 of 12 December 1997[4] and 55/110 of 4 December 2000,[5]

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

[2] E/CN.4/2000/46 and Add.1.

[3] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[4] A/53/293 and Add.1.

[5] A/56/207 and Add.1.

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Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,[6]

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,[7] the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995,[8] the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[9] and their five-year reviews,

Expressing its concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

Expressing its grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women and children, including adolescents,

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly and recent major United Nations conferences, and contrary to general international law and the Charter, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Noting the continuing efforts of the open-ended Working Group on the Right to Development of the Commission on Human Rights, and reaffirming in particular

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[6] See A/CONF.157/24 (Part I), chap. III, sect. I, para. 31.

[7] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[8] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[9] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

its criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,[10]

1. *Urges* all States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[11] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Also urges* all States to take steps to avoid and to refrain from adopting any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

3. *Invites* all States to consider adopting administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

4. *Rejects* unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

5. *Calls upon* Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest possible time;

6. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

7. *Urges* the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including the enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

8. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in her annual report to the General Assembly;

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[10] Resolution 41/128, annex.

[11] Resolution 217 A (III).

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its sixty-first session, highlighting the practical and preventive measures in this respect;

10. *Decides* to examine the question on a priority basis at its sixty-first session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Malaysia:* draft resolution

Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1] for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000[2] and its resolution 59/187 of 20 December 2004 and taking note of Commission on Human Rights resolution 2005/54 of 20 April 2005 on the enhancement of international cooperation in the field of human rights,[3]

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

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* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

[3] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

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Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

Recalling the adoption of resolution 2000/22 of 18 August 2000, on the promotion of dialogue on human rights issues, by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,[4]

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

[4] See E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, chap. II, sect. A.

8. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

9. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

10. *Decides* to continue its consideration of the question at its sixty-first session.

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Malaysia:* draft resolution

The right to development

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom, as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and that the individual is the central subject and beneficiary of development,

Stressing that the Vienna Declaration and Programme of Action[1] reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,[2]

Welcoming the framework modalities agreed at the General Council meeting of the World Trade Organization in Geneva on 1 August 2004 in key areas such as

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

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agriculture, market access for non-agricultural products, trade facilitation, development and services,[3]

Welcoming also the outcome of the eleventh session of the United Nations Conference on Trade and Development, held at São Paulo, Brazil, from 13 to 18 June 2004, on the theme "Enhancing the coherence between national development strategies and global economic processes towards economic growth and development, particularly of developing countries",[4]

Recalling all its previous resolutions and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998,[5] on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Recalling also the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries, held at Kuala Lumpur from 20 to 25 February 2003, and the Fourteenth Ministerial Conference of the Movement of Non-Aligned Countries, held at Durban, South Africa, from 17 to 19 August 2004,

Reiterating its continuing support for the New Partnership for Africa's Development[6] as a development framework for Africa,

Recognizing that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

Stressing that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the millennium development goal of halving, by 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

1. *Endorses* the agreed conclusions and recommendations adopted by the Working Group on the Right to Development at its sixth session,[7] and calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors;

2. *Welcomes* the convening of the first meeting of the high-level task force on the implementation of the right to development, held at Geneva from 13 to 17 December 2004, and expresses its appreciation to the task force for the work it has undertaken;

3. *Notes with appreciation* that the high-level task force, at its next meeting, will examine Millennium Development Goal 8 on a global partnership for

[3] See World Trade Organization, document WT/L/579. Available from http://docsonline.wto.org.
[4] See TD/412.
[5] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.
[6] A/57/304, annex.
[7] See E/CN.4/2005/25, sect. III.

development and suggest criteria for its periodic evaluation with the aim of improving the effectiveness of global partnership with regard to the realization of the right to development;

4. *Stresses* the importance of the core principles contained in the conclusions of the Working Group at its third session,[8] congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

5. *Notes with concern* that the Subcommission on the Promotion and Protection of Human Rights has not submitted the concept document establishing options and their feasibility for the implementation of the right to development, and requests the Subcommission, without further delay, to submit the concept document at the sixty-second session of the Commission on Human Rights;

6. *Takes note* of the convening and outcome of the second Social Forum held at Geneva on 22 and 23 July 2004 on the theme "Poverty, rural poverty and human rights"[9] and the strong support extended to it by the Subcommission on the Promotion and Protection of Human Rights, and invites all stakeholders, including Member States, to participate actively in its subsequent sessions;

7. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

8. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action,[1] which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

9. *Stresses* that the basic responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

10. *Reaffirms* that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and their commitment to cooperating with each other to that end;

11. *Also reaffirms* the need for an international environment that is conducive to the realization of the right to development;

12. *Stresses* the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and

[8] E/CN.4/2002/28/Rev.1, sect. VIII.A.

[9] See E/CN.4/Sub.2/2004/26 and Corr.1.

calls upon States to institute the measures required for the implementation of the right to development as a fundamental human right;

13. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and the international levels;

14. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

15. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

16. *Underlines* the fact that the international community is far from meeting the target set in the Millennium Declaration of halving the number of people living in poverty by 2015, reaffirms the commitment made to meet that target, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

17. *Urges* developed countries that have not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets;

18. *Recognizes* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries;

19. *Calls for* the implementation of a desirable pace of meaningful trade liberalization, including in areas under negotiation; implementation of commitments on implementation-related issues and concerns; review of special and differential-treatment provisions, with a view to strengthening them and making them more precise, effective and operational; avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries as important issues in making progress towards the effective implementation of the right to development;

20. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development, stresses, in this regard, the need for good governance and broadening the base of decision-making at the international level on issues of development concern and the need to fill organizational gaps, as well as strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen

the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting;

21. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

22. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

23. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes, and for ensuring the promotion and protection of those rights, especially in areas relating to health, education and the full development of their capacities;

24. *Also stresses* that further and additional measures must be taken at the national and international levels to fight HIV/AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

25. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for corporate social responsibility;

26. *Emphasizes* the urgent need for taking concrete measures to fight against all forms of corruption at the national and international levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify as soon as possible, and States parties to implement effectively, the United Nations Convention against Corruption;[10]

27. *Also emphasizes* the need to strengthen further the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including ensuring effective use of the financial and human resources necessary to fulfil its mandate, and calls upon the Secretary-General to provide the Office of the High Commissioner with the necessary resources;

28. *Reaffirms* the request to the High Commissioner, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect

[10] Resolution 58/4, annex.

those activities in detail in her report to the Commission on Human Rights at its sixty-second session;

29. *Calls upon* the United Nations agencies, funds and programmes, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

30. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

31. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixty-first session and an interim report to the Commission on Human Rights at its sixty-second session on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invites the chairperson of the Working Group on the Right to Development to present a verbal update to the General Assembly at its sixty-first session.

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Argentina, Austria, Belgium, Brazil, Chile, Cyprus, Czech Republic, Finland, France, Germany, Guatemala, Ireland, Luxembourg, Mexico, Netherlands, Norway, Panama, Portugal, Slovakia, Slovenia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Recalling that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Acknowledging the important contribution of measures at all levels against terrorism, consistent with international law, in particular international human rights law and refugee and humanitarian law, for the functioning of democratic institutions, the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight, including through international cooperation and the strengthening of the role of the United Nations in this respect,

Deeply deploring the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as of the violations of international refugee law and international humanitarian law,

Recognizing that the respect for human rights, the respect for democracy and the respect for the rule of law are interrelated and mutually reinforcing,

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Recognizing also that all States must fully respect the non-refoulement obligations under international refugee and human rights law, while at the same time bearing in mind relevant exclusion provisions under international refugee law,

Welcoming the various initiatives to strengthen the promotion and protection of human rights in the context of counter-terrorism adopted by the United Nations and regional intergovernmental bodies, as well as by States,

Noting the declarations, statements and recommendations of a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,

Recalling its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003 and 59/191 of 20 December 2004 as well as Commission on Human Rights resolutions 2003/68 of 25 April 2003,[1] 2004/87 of 21 April 2004[2] and 2005/80 of 21 April 2005[3] and other relevant resolutions of the General Assembly and the Commission on Human Rights,

Recalling also its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

Reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,[4]

Noting the declaration on the issue of combating terrorism contained in the annex to Security Council resolution 1456 (2003) of 20 January 2003, in particular the statement that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Stressing that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights[5] without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[3] Ibid., *2005, Supplement No. 3* (E/2005/23 (Part I)), chap. II, sect. A.

[4] See paragraph 17 of section I of the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights on 25 June 1993.

[5] Resolution 217 A (III).

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Deplores* the suffering caused by terrorism to the victims and their families, and expresses its profound solidarity with them;

3. *Reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights,[6] to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations;[7]

4. *Calls upon* States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

5. *Urges* States to fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

6. *Reaffirms* that it is imperative that all States work to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law, while countering terrorism, as stated in the report of the Secretary-General submitted pursuant to General Assembly resolution 58/187;[8]

7. *Takes note with appreciation* of the study of the United Nations High Commissioner for Human Rights submitted pursuant to resolution 58/187;[9]

8. *Encourages* States to make available to relevant national authorities the "Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism" and to take into account its content, and requests the High Commissioner to update and publish it periodically;

9. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links and to continue to develop cooperation with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Commission on Human Rights on the promotion and protection of human rights and fundamental freedoms while countering terrorism, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism;

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[6] See resolution 2200 (XXI), annex.

[7] See, for example, General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001.

[8] E/CN.4/2004/91.

[9] A/59/428.

10. *Requests* all relevant special procedures and mechanisms of the Commission on Human Rights, as well as the United Nations human rights treaty bodies, to cooperate, within their mandates, with the Special Rapporteur, and encourages the Special Rapporteur to coordinate their efforts where appropriate, in order to promote a consistent approach on this subject;

11. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of United Nations human rights treaty bodies;

12. *Takes note with appreciation* of the report of the independent expert on the protection of human rights and fundamental freedoms while countering terrorism;[10]

13. *Welcomes* the report of the Secretary-General submitted pursuant to General Assembly resolution 59/191;[11]

14. *Welcomes* the establishment by the Commission on Human Rights on its resolution 2005/80[3] of the mandate of a Special Rapporteur;

15. *Further welcomes* the report of the Special Rapporteur submitted pursuant to Commission on Human Rights resolution 2005/80,[12] and requests the Special Rapporteur to report regularly to the General Assembly and to the Commission on Human Rights;

16. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the Special Rapporteur's urgent appeals and providing the information requested;

17. *Requests* the High Commissioner, making use of existing mechanisms, to continue:

(a) To examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

(b) To make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

(c) To provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

18. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Human Rights at its sixty-second session and to the General Assembly at its sixty-first session.

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[10] E/CN.4/2005/103.
[11] A/60/374.
[12] A/60/370.

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Third Committee

Agenda item 71 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Argentina, Armenia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Hungary, Ireland, Italy, Jordan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Netherlands, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Recalling that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Acknowledging the important contribution of measures at all levels against terrorism, consistent with international law, in particular international human rights law and refugee and humanitarian law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight, including through international cooperation and the strengthening of the role of the United Nations in this respect,

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Deeply deploring the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as of the violations of international refugee law and international humanitarian law,

Recognizing that the respect for human rights, the respect for democracy and the respect for the rule of law are interrelated and mutually reinforcing,

Recognizing also that all States must fully respect the non-refoulement obligations under international refugee and human rights law, while at the same time bearing in mind relevant exclusion provisions under international refugee law,

Welcoming the various initiatives to strengthen the promotion and protection of human rights in the context of counter-terrorism adopted by the United Nations and regional intergovernmental bodies, as well as by States,

Noting the declarations, statements and recommendations of a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,

Recalling its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003 and 59/191 of 20 December 2004, Commission on Human Rights resolutions 2003/68 of 25 April 2003,[1] 2004/87 of 21 April 2004[2] and 2005/80 of 21 April 2005[3] and other relevant resolutions of the General Assembly and the Commission on Human Rights,

Recalling also its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

Reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,[4]

Noting the declaration on the issue of combating terrorism contained in the annex to Security Council resolution 1456 (2003) of 20 January 2003, in particular the statement that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[3] Ibid., *2005, Supplement No. 3* (E/2005/23 (Part I)), chap. II, sect. A.

[4] See sect. I, para. 17, of the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights on 25 June 1993.

Stressing that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights[5] without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Deplores* the suffering caused by terrorism to the victims and their families, and expresses its profound solidarity with them;

3. *Reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights,[6] to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations;[7]

4. *Calls upon* States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

5. *Urges* States to fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

6. *Welcomes* the establishment by the Commission on Human Rights in its resolution 2005/80[3] of the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;

7. *Reaffirms* that it is imperative that all States work to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law, while countering terrorism, as stated in the report of the Secretary-General submitted pursuant to General Assembly resolution 58/187;[8]

8. *Takes note with appreciation* of the study of the United Nations High Commissioner for Human Rights submitted pursuant to resolution 58/187;[9]

9. *Encourages* States to make available to relevant national authorities the "Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism" and to take into account its content, and requests the High Commissioner to update and publish it periodically;

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[5] Resolution 217 A (III).

[6] See resolution 2200 (XXI), annex.

[7] See, for example, General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001.

[8] E/CN.4/2004/91.

[9] A/59/428.

10. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links and to continue to develop cooperation with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur of the Commission on Human Rights on the promotion and protection of human rights and fundamental freedoms while countering terrorism and other relevant special procedures and mechanisms of the Commission, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism;

11. *Stresses* that, while developing the elements of a comprehensive, coordinated and consistent counter-terrorism strategy, as agreed at the 2005 World Summit,[10] full consideration should be given throughout the process to the protection of human rights and fundamental freedoms and to the provisions of international humanitarian law and refugee law;

12. *Requests* all relevant special procedures and mechanisms of the Commission on Human Rights, as well as the United Nations human rights treaty bodies, to cooperate within their mandates with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and encourages the Special Rapporteur to work closely with them to coordinate efforts, where appropriate, in order to promote a consistent approach on this subject;

13. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of United Nations human rights treaty bodies;

14. *Takes note with appreciation* of the report of the independent expert on the protection of human rights and fundamental freedoms while countering terrorism;[11]

15. *Welcomes* the report of the Secretary-General submitted pursuant to General Assembly resolution 59/191;[12]

16. *Also welcomes* the report of the Special Rapporteur submitted pursuant to Commission on Human Rights resolution 2005/80,[13] takes note of the four features emphasized of his mandate, complementarity, comprehensiveness, its proactive nature and its thematic approach, and requests the Special Rapporteur to report regularly to the General Assembly and to the Commission on Human Rights;

17. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the Special Rapporteur's urgent appeals and providing the information requested;

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[10] See resolution 60/1.

[11] E/CN.4/2005/103.

[12] A/60/374.

[13] A/60/370.

18. *Requests* the High Commissioner, making use of existing mechanisms, to continue:

(a) To examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

(b) To make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

(c) To provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

19. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Human Rights at its sixty-second session and to the General Assembly at its sixty-first session.

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Third Committee
Agenda item 71 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andorra, Argentina, Austria, Azerbaijan, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the Former Yugoslav Republic of Macedonia, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution

Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights[1] and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] in particular article 6 of the Covenant, which states, inter alia, that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below 18 years of age, and article 10, which provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person,

Bearing in mind also the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] in particular the right to equal treatment before tribunals and all other organs administering justice, the Convention on the Rights of the Child,[5] in particular article 37,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.
[3] Resolution 39/46, annex.
[4] Resolution 2106 A (XX), annex.
[5] Resolution 44/25, annex.

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according to which every child deprived of liberty shall be treated in a manner that takes into account the needs of persons of his or her age, and the Convention on the Elimination of All Forms of Discrimination against Women,[6] in particular the obligation to treat men and women equally in all stages of procedures in courts and tribunals,

Calling attention to the numerous international standards in the field of the administration of justice,

Convinced that the independence and impartiality of the judiciary are essential prerequisites for the protection of human rights, good governance and democracy as well as for ensuring that there is no discrimination in the administration of justice and should therefore be respected in all circumstances,

Noting the adoption by the Committee on the Elimination of Racial Discrimination of general recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system,[7]

Emphasizing that the right to access to justice, as contained in applicable international human rights instruments, forms an important basis for strengthening the rule of law through the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity,

Recalling the Guidelines for Action on Children in the Criminal Justice System[8] and the establishment and subsequent meetings of the Inter-Agency Coordination Panel on Juvenile Justice,

Calling attention to the relevant provisions of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[9] and of the plans of action for its implementation and follow-up,[10]

Recalling its resolution 58/183 of 22 December 2003, as well as Commission on Human Rights resolution 2004/43 of 19 April 2004[11] and Economic and Social Council resolution 2004/28 of 21 July 2004, entitled "United Nations standards and norms in crime prevention and criminal justice",

1. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

3. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations

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[6] Resolution 34/180, annex.

[7] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* (A/60/18), chap. IX.

[8] Economic and Social Council resolution 1997/30, annex.

[9] Resolution 55/59, annex.

[10] Resolution 56/261, annex.

[11] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

under international law, in particular international human rights, refugee and humanitarian law;

4. *Invites* Governments to provide for training, including anti-racist, multicultural and gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

5. *Invites* States to make use of technical assistance offered by the relevant United Nations programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

6. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to promoting and protecting human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

7. *Encourages* the regional commissions, the specialized agencies, United Nations institutes active in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

8. *Invites* the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, to closely coordinate their activities relating to the administration of justice;

9. *Calls upon* mechanisms of the Commission on Human Rights and its subsidiary bodies, including special rapporteurs, special representatives and working groups, to continue to give special attention to questions relating to the effective promotion and protection of human rights in the administration of justice, including juvenile justice, and to provide, where appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

10. *Calls upon* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime to reinforce, within their respective mandates, their activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations and, in this context, in cooperation with the Department of Peacekeeping Operations of the Secretariat;

11. *Encourages* the Office of the High Commissioner to continue organizing training courses and other relevant activities aimed at enhancing the promotion and protection of human rights in the field of the administration of justice, and welcomes the publication of the Manual on Human Rights Training for Prison Officials;

12. *Welcomes* the increased attention paid to the issue of juvenile justice by the High Commissioner and the United Nations Children's Fund, in particular

through technical assistance activities, and, taking into account the fact that international cooperation to promote juvenile justice reform has become a priority within the United Nations system, encourages the further activities of the High Commissioner and the United Nations Children's Fund, within their mandates, in this regard;

13. *Encourages* the Inter-Agency Coordination Panel on Juvenile Justice to further increase cooperation among the partners involved, to develop common indicators, tools and manuals, to share information and to pool their capacities and interests in order to increase the effectiveness of programme implementation, and welcomes the publication entitled "Protecting the rights of children in conflict with the law";

14. *Welcomes* the adoption by the Economic and Social Council of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, set out in the annex to resolution 2005/20 of 22 July 2005, and encourages all relevant actors to draw upon the Guidelines where appropriate;

15. *Encourages* the independent expert for the United Nations study on violence against children to address in his final report the prevalence of violence in the juvenile justice system;

16. *Invites* Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote increased attention to the issue of women in prison, including the children of women in prison, with a view to identifying and addressing the key problems;

17. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and respect for the rule of law and human rights in post-conflict situations, and requests the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the Peacebuilding Commission and the Rule of Law Assistance Unit as proposed in the 2005 World Summit Outcome,[12] in the field of the administration of justice in post-conflict situations, including assistance provided through United Nations field presences;

18. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this context welcomes the role of the Office of the High Commissioner in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

19. *Decides* to consider the question of human rights in the administration of justice at its sixty-second session under the item entitled "Human rights questions".

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[12] Resolution 60/1.

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Agenda item 71 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Andorra, Argentina, Austria, Benin, Bolivia, Bosnia and Herzegovina, Chile, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Finland, Greece, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Monaco, Netherlands, Panama, Poland, Republic of Korea, Romania, Serbia and Montenegro, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, as well as its subsequent resolutions on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Noting that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural diversity and heritage of society, as reaffirmed in the 2005 World Summit Outcome,[1]

Concerned by the frequency and severity of disputes and conflicts concerning minorities and their often tragic consequences, and concerned also that persons belonging to minorities are particularly vulnerable to displacement,

Recognizing that the effective promotion and protection of the rights of persons belonging to minorities is a fundamental part of the promotion and protection of human rights, and acknowledging that measures in this area can also contribute significantly to conflict prevention,

Emphasizing the role that national institutions can play in early warning for problems regarding minority situations,

[1] Resolution 60/1.

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Emphasizing also the importance of human rights education as an effective tool to promote an inclusive society and understanding of and tolerance towards and among persons belonging to minorities,

Acknowledging that the United Nations has an important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Noting that the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights held its tenth and eleventh sessions from 1 to 5 March 2004 and 30 May to 3 June 2005, respectively,

Welcoming the appointment of the independent expert on minority issues by the United Nations High Commissioner for Human Rights on 29 July 2005, as requested by the Commission on Human Rights in its resolution 2005/79 of 21 April 2005,[2]

1. *Takes note* of the report of the Secretary-General;[3]

2. *Recognizes* that respect for human rights and the promotion of understanding and tolerance by Governments as well as between and among minorities are central to the promotion and protection of the rights of persons belonging to minorities;

3. *Reaffirms* the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[4] and as contained in the relevant provisions of the Durban Declaration and Programme of Action,[5] including the provisions on forms of multiple discrimination;

4. *Encourages* States, in their follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to include aspects relating to minorities in their national plans of action and, in this context, to take forms of multiple discrimination fully into account;

5. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the encouragement of conditions for the promotion of their identity, the provision of adequate education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, and to apply a gender perspective while doing so;

6. *Calls upon* States to give special attention to the promotion and protection of the human rights of children belonging to minorities, taking into account that girls and boys may face different types of risks;

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[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

[3] A/60/333.

[4] Resolution 47/135, annex.

[5] See A/CONF.189/12 and Corr.1, chap. I.

7. *Urges* States to take, as appropriate, all necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration, and appeals to States to cooperate bilaterally and multilaterally, in accordance with the Declaration, in order to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

8. *Calls upon* States to take all appropriate measures to protect the cultural and religious sites of national or ethnic, religious and linguistic minorities;

9. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

10. *Calls upon* the United Nations High Commissioner for Human Rights to promote, within her mandate, the implementation of the Declaration, to continue to engage in a dialogue with Governments for that purpose and to disseminate widely the *United Nations Guide for Minorities*;

11. *Requests* the High Commissioner to continue her efforts to improve the coordination and cooperation among United Nations programmes and agencies on activities related to the promotion and protection of the rights of persons belonging to minorities and to take the work of relevant regional organizations active in the field of human rights into account in her endeavours;

12. *Welcomes* the inter-agency consultation of the High Commissioner with United Nations programmes and agencies on minority issues, and calls upon those programmes and agencies to contribute actively to this process;

13. *Encourages* intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

14. *Calls upon* the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights to implement fully its mandate, focusing its work on interactive dialogue with relevant non-governmental organizations and on conceptual support of, and dialogue with, the independent expert on minority issues, by recommending, on the basis of its findings, further measures for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

15. *Calls upon* the High Commissioner to provide all the support the independent expert on minority issues may need to fulfil her mandate;

16. *Invites* the High Commissioner to seek voluntary contributions to facilitate the effective participation of minority representatives and experts on minority issues, particularly from developing countries, in minority-related activities organized by the United Nations, particularly its human rights bodies, and in doing so to give particular attention to ensuring the participation of young people and women;

17. *Decides* to continue consideration of this question at its sixty-second session under the item entitled "Human rights questions".

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Agenda item 71 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Peru, Poland, Portugal, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its wide dissemination,

Recalling also all previous resolutions on this subject, in particular its resolution 59/192 of 20 December 2004 and Commission on Human Rights resolution 2005/67 of 20 April 2005,[1]

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

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Gravely concerned by the continuing high level of human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and by the fact that, in a number of countries in all regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on their work and safety,

Recalling that human rights defenders are entitled to equal protection of the law, and deeply concerned about the increase in new restrictive legislation regulating the creation and operation of non-governmental organizations and any abuse of civil or criminal proceedings against them because of their activities for the promotion and protection of human rights and fundamental freedoms,

Concerned by the considerable number of communications received by the Special Representative of the Secretary-General on the situation of human rights defenders that, together with the reports submitted by some of the special procedures mechanisms, indicate the serious nature of the risks faced by human rights defenders, including women human rights defenders,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms, including in combating impunity, promoting access to justice, information and public participation in decision-making and promoting, strengthening and preserving democracy,

Recognizing the substantial role that human rights defenders can play in supporting peace and security, including as early warning mechanisms, by monitoring, reporting on and protecting human rights,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights,[2] certain rights are recognized as non-derogable in any circumstances and that any measures derogating from other provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations, as stated in General Comment No. 29, on states of emergency, adopted by the Human Rights Committee on 24 July 2001,[3]

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

Welcoming the significant work conducted by the Special Representative, and encouraging strengthened cooperation between the Special Representative and other special procedures of the Commission on Human Rights as well as other relevant United Nations bodies, offices, departments and specialized agencies and personnel, both at Headquarters and at the country level,

Welcoming also regional initiatives for the promotion and protection of human rights and the cooperation between international and regional mechanisms for the

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[2] See resolution 2200 A (XXI), annex.

[3] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40 (A/56/40)*, vol. I, annex VI; see also HRI/GEN/1/Rev.7.

protection of human rights defenders, and encouraging further development in this regard,

Welcoming further the steps taken by some States towards adopting national policies or legislation for the protection of human rights defenders,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, including by taking, as appropriate, practical steps to that end;

2. *Welcomes* the reports of the Special Representative of the Secretary-General on the situation of human rights defenders[a] and her contribution to the effective promotion of the Declaration and the improvement of the protection of human rights defenders worldwide;

3. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;

4. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, at both the local and the national levels, including in times of conflict and peacebuilding;

5. *Also calls upon* all States to ensure, protect and respect the freedom of expression and association of human rights defenders and, where registration is required, to facilitate registration, including through the establishment of effective and transparent criteria and non-discriminatory, expeditious and inexpensive procedures in accordance with national legislation;

6. *Urges* States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of human rights defenders;

7. *Also urges* States to take appropriate measures to address the question of impunity for attacks, threats and acts of intimidation against human rights defenders and their relatives, including by ensuring that complaints from human rights defenders are promptly investigated and addressed in a transparent, independent and accountable manner;

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[a] E/CN.4/2001/94, E/CN.4/2002/106 and Add.1 and 2, E/CN.4/2003/104 and Add.1-4, E/CN.4/2004/94 and Add.1-3 and E/CN.4/2005/101 and Add.1-3; see also A/56/341, A/57/182, A/58/380, A/59/401 and A/60/339.

8. *Urges* all States to cooperate with and assist the Special Representative in the performance of her tasks and to furnish all information in the fulfilment of her mandate upon request;

9. *Encourages* States to respond favourably to the requests of the Special Representative to visit their countries, and urges them to enter into a constructive dialogue with the Special Representative with respect to the follow-up to and implementation of her recommendations;

10. *Urges* those States that have not yet responded to the communications transmitted to them to do so without delay and to investigate expeditiously urgent appeals and allegations brought to their attention by the Special Representative;

11. *Invites* States to translate the Declaration into national languages and to take measures to improve its dissemination;

12. *Encourages* States to promote awareness and training in regard to the Declaration in order to enable officials, agencies, authorities and the judiciary to observe the provisions of the Declaration and thus to promote better understanding and respect for human rights defenders;

13. *Requests* relevant United Nations bodies, offices, departments and specialized agencies, in particular at the country level, working in cooperation with States, to strengthen their commitment to promote and protect human rights and fundamental freedoms by taking steps to follow up the Declaration, give due consideration to the reports of the Special Representative and receive and act upon information from human rights defenders;

14. *Requests* that the Office of the United Nations High Commissioner for Human Rights as well as other relevant United Nations bodies, offices, departments and specialized agencies consider ways in which they can assist States to strengthen the role and security of human rights defenders, including in conflict situations and peacebuilding;

15. *Requests* the Secretary-General to provide the Special Representative with human, material and financial resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

16. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

17. *Requests* the Special Representative to continue to report annually on her activities to the General Assembly and to the Commission on Human Rights in accordance with her mandate;

18. *Decides* to consider the question at its sixty-second session under the item entitled "Human rights questions".

United Nations A/C.3/60/L.41

General Assembly

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2 November 2005

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Sixtieth session
Third Committee
Agenda item 71 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Albania, Australia, Austria, Belgium, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, and the duty to fulfil the obligations they have undertaken under the various instruments in this field,

Noting that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,

Noting also that the human rights situation in the Democratic Republic of the Congo can sustainably improve only if the country is taken forward to the holding of free and fair elections, an essential part of becoming a stable, peaceful and democratic country,

Recalling all its previous resolutions, as well as those of the Commission on Human Rights and the Security Council, on the situation in the Democratic Republic of the Congo,

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1. *Welcomes*:

(a) The report of the independent expert on the situation of human rights in the Democratic Republic of the Congo[1] as well as his visit to the Democratic Republic of the Congo in August 2005;

(b) The strengthened mandate of the United Nations Organization Mission in the Democratic Republic of the Congo regarding the protection of civilians in accordance with Security Council resolution 1592 (2005), and expresses its support for the continued work of the Mission and the Special Representative of the Secretary-General for the Democratic Republic of the Congo;

(c) The work accomplished by the human rights field office in the Democratic Republic of the Congo, and encourages the office to pursue and enhance its cooperation with the relevant agencies of the United Nations and the Mission in the fulfilment of its mandate;

(d) The measures taken in 2005 by the authorities of the Democratic Republic of the Congo to arrest and detain leaders of militia groups suspected of committing serious human rights abuses;

(e) The substantial progress made by the transitional national Government and the Independent Electoral Commission, with the welcome assistance of the United Nations Organization Mission in the Democratic Republic of the Congo, towards the holding of elections before June 2006 as specified by the Global and All-Inclusive Agreement, in particular the registration of voters and the enthusiasm shown by the Congolese people to embrace a democratic future;

(f) The continuing investigations of the International Criminal Court into crimes allegedly committed in the territory of the Democratic Republic of the Congo;

2. *Requests* the United Nations High Commissioner for Human Rights to ensure that consultations continue between her Office and the Secretary-General concerning the ways in which to assist the transitional Government of the Democratic Republic of the Congo in tackling the problem of impunity and looks forward to the report of the High Commissioner to the Commission on Human Rights at its sixty-second session on these consultations and on possible options for putting an end to impunity for the perpetrators of crimes committed before 1 July 2002;

3. *Condemns*:

(a) The ongoing violations of human rights and international humanitarian law, particularly in North Kivu and South Kivu, northern Katanga and other areas in the eastern part of the Democratic Republic of the Congo, including armed violence and reprisals against the civilian population and the recourse to sexual violence against women and children, including in situations where such practices are being used as a weapon of war;

(b) The killing of United Nations peacekeeping troops by militia groups in Ituri province, eastern Democratic Republic of the Congo, in February 2005 and in June 2005;

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[1] See A/60/320.

(c) The killing of Pascal Kabungulu Kibembi, Executive Secretary of the human rights non-governmental organization Héritiers de la Justice, on 31 July 2005 and the harassment of human rights defenders across the country, but particularly in the eastern Democratic Republic of the Congo;

(d) The continued illegal exploitation of natural resources in the eastern Democratic Republic of the Congo and the human rights abuses committed by groups linked to the mining and trading of these resources, as well as the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms as one of the factors fuelling and exacerbating conflicts in the Great Lakes region of Africa,

1. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To respect and further implement the Global and All-Inclusive Agreement and to cease immediately any action which impedes the consolidation of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

(b) To support the transitional Government and its institutions in order to allow for the re-establishment of political and economic stability and for the gradual reinforcement of State structures over the entire territory of the Democratic Republic of the Congo, in accordance with their obligations under the Transitional Constitution and the Constitution due to be adopted by referendum in December;

(c) To put an immediate end to the recruitment and use of child soldiers, which is contrary to international law and to the African Charter on the Rights and Welfare of the Child,[2] with the understanding that, under the Convention on the Rights of the Child[3] and the Optional Protocol thereto on the involvement of children in armed conflict,[4] and in accordance with Security Council resolutions 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005 on children and armed conflict, persons under the age of 18 are entitled to special protection, and to develop and implement without delay the action plans called for in Security Council resolutions 1539 (2004) and 1612 (2005);

(d) To take special measures to protect women and children from the appalling violence, including sexual violence, which has been and continues to be prevalent throughout the country, in particular in the eastern part of the country, and to bring the perpetrators of such crimes to justice as soon as possible, and condemns in particular the widespread use of sexual violence as a means of warfare;

(e) To promote the full enjoyment of all human rights by women and children and to meet the special needs of women and girls in post-conflict reconstruction, as well as to ensure the full participation of women in all aspects of conflict resolution and peace processes, including peacekeeping, conflict management and peacebuilding, as a matter of priority, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security;

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[2] *Human Rights: A Compilation of International Instruments*, vol. II, *Regional Instruments*, United Nations publication, Sales No. E.97.XIV.1), sect. C, No. 39.

[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[4] Resolution 54/263, annex I.

(f) To respect international humanitarian law, in particular on the protection of civilians by ensuring the safety, security and freedom of movement of all civilians and United Nations and associated personnel, and the unhindered access of humanitarian personnel to all of the affected population throughout the territory of the Democratic Republic of the Congo in accordance with Security Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000;

(g) To promote the full enjoyment of all human rights and to protect the safety, security and freedom of movement of all human rights defenders;

5. *Calls upon* the Government of National Unity and Transition to take specific measures:

(a) To achieve the objectives of the transitional period as laid down in the Global and All-Inclusive Agreement, in particular the holding of free and transparent elections at all levels within the specified time frame, enabling the establishment of a democratic constitutional regime, and the formation of a restructured and fully integrated national army, and also the formation of an integrated and adequately resourced national police force, while ensuring that government institutions, including the army and police, are trained in human rights aspects of their work and ensuring that both light and heavy weapons are being surrendered in the disarmament process;

(b) To strengthen the transitional institutions, in particular to set up effectively the Independent Electoral Commission, and to make more effective the Truth and Reconciliation Commission, the Human Rights Monitoring Centre and the Haute-Autorité des Médias, and to re-establish stability and the rule of law over the entire territory of the Democratic Republic of the Congo, thereby returning peace and progress to its people;

(c) To comply fully with its obligations under international human rights instruments and, accordingly, to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights and the Human Rights Section of the United Nations Organization Mission in the Democratic Republic of the Congo;

(d) To put an end to impunity and to ensure, as it is duty-bound to do, that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with due process, and to carry out urgently a comprehensive reform of the judicial and prison system;

(e) To continue to cooperate with the International Criminal Court and with the International Criminal Tribunal for Rwanda, by ensuring that they have all necessary means with which to accomplish their tasks;

(f) To put an end to the use of the death penalty in a manner contrary to its obligations assumed under the relevant provisions of the International Covenant on Civil and Political Rights[5] and other human rights instruments, while recalling its commitment to progressively abolish the death penalty and not to impose it on juvenile offenders;

[5] See resolution 2200 A (XXI), annex.

(g) To prevent the use of the media to incite hatred or tensions among communities, while respecting freedom of expression and of the press, particularly during the electoral campaign;

(h) To ensure that human rights defenders are protected from abuses, threats and harassment;

(i) To accelerate its programme to demobilize, disarm and reintegrate former combatants, taking into account the special needs of dependants, particularly girls;

(j) To increase its efforts to eliminate corruption in the Democratic Republic of the Congo, which contributes to a general climate of impunity, and to take steps towards the setting up of an arrangement to strengthen support for good governance and transparent economic management, with the support of the International Committee in Support of the Transition, the United Nations Organization Mission in the Democratic Republic of the Congo, international financial institutions and donors;

6. *Calls upon* the Governments of countries in the region, including the Democratic Republic of the Congo:

(a) To cease immediately all military activity that impedes the consolidation of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo, including support for the armed groups, whether financial, political or logistical, and allowing revenue from illegally extracted natural resources to be used on their territory;

(b) To work with the United Nations Organization Mission in the Democratic Republic of the Congo to take urgent steps towards the disarmament and resettlement or repatriation of the Forces démocratiques de libération du Rwanda, former Forces armées rwandaises, Interahamwe and other foreign armed groups, which remain a threat to regional peace and perpetrate human rights abuses on the civilian population of the Democratic Republic of the Congo;

(c) To support the transitional process in the Democratic Republic of the Congo and adhere fully to the Principles on Good-neighbourly Relations and Cooperation between the Democratic Republic of the Congo and Burundi, Rwanda and Uganda, signed in New York on 25 September 2003,* to work towards the successful implementation of the Joint Verification Mechanism, to work through the Tripartite Commission Plus One and to respect the principles of the Dar Es Salaam Declaration of November 2004;

(d) To ensure the rights and well-being of internally displaced persons, returnees and refugee populations and, in particular, to peacefully repatriate Forces démocratiques de libération du Rwanda members returning to Rwanda, in accordance with the applicable norms of international law and with respect for the rights and freedoms of the human person;

(e) To continue to cooperate with the International Criminal Court and with the International Criminal Tribunal for Rwanda, and specifically with regard to the Democratic Republic of the Congo, to make swift progress towards passing legislation necessary for the International Criminal Court's investigations in the Democratic Republic of the Congo to proceed smoothly;

* A/58/428-S/2003/985, annex.

(f) To take steps towards putting an end to the illegal exploitation of the natural resources of the Democratic Republic of the Congo, in view of the link between that exploitation and the continuation of conflict;

7. *Urges* the Secretary-General to continue his work towards eliminating sexual exploitation and abuse committed by personnel serving the United Nations Organization Mission in the Democratic Republic of the Congo;

8. *Encourages* the international community:

(a) To continue to support the transitional process in the Democratic Republic of the Congo and its institutions and, in particular, to support the electoral process and to provide further assistance for the reform of the justice system;

(b) To observe the arms embargo on the Democratic Republic of the Congo established by Security Council resolution 1493 (2003) of 28 July 2003 and expanded by resolution 1596 (2005) of 18 April 2005, and to enforce the sanctions measures against individuals identified by the Security Council in line with its resolution 1596 (2005) and its resolution 1616 (2005) of 29 July 2005;

(c) To continue to exert political pressure on States concerned and members of armed groups based in the eastern Democratic Republic of the Congo in order to limit their capacity for continued fund-raising, which contributes to ongoing human rights abuses;

9. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the independent expert on the situation of human rights in the Democratic Republic of the Congo to report to the General Assembly at its sixty-first session.

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General Assembly

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Sixtieth session
Third Committee
Agenda item 71 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, and the duty to fulfil the obligations they have undertaken under the various instruments in this field,

Noting that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,

Underlining the importance of elections as the foundation for the longer-term restoration of peace and stability, national reconciliation, the rule of law and lasting promotion and protection of human rights in the Democratic Republic of the Congo,

Recalling its previous resolutions, as well as those of the Commission on Human Rights and the Security Council, on the situation in the Democratic Republic of the Congo,

1. *Welcomes*:

(a) The report of the independent expert on the situation of human rights in the Democratic Republic of the Congo in July 2005,[1] as well as his visit to the Democratic Republic of the Congo in August;

[1] See A/60/395.

(b) The strengthened mandate of the United Nations Organization Mission in the Democratic Republic of the Congo regarding the protection of civilians in accordance with Security Council resolution 1592 (2005), and expresses its support for the continued work of the Mission and the Special Representative of the Secretary-General for the Democratic Republic of the Congo;

(c) The work accomplished by the human rights field office in the Democratic Republic of the Congo, and encourages the office to pursue and enhance its cooperation with the relevant agencies of the United Nations and the Mission in the fulfilment of its mandate;

(d) The measures taken in 2005 by the authorities of the Democratic Republic of the Congo to arrest and detain leaders of militia groups suspected of committing killings and other serious crimes against civilians;

(e) The substantial progress made by the Transitional National Government and the Independent Electoral Commission, with the welcome assistance of the United Nations Organization Mission in the Democratic Republic of the Congo, towards the holding of elections before June 2006 as specified by the Global and All-Inclusive Agreement, in particular the registration of voters and the enthusiasm shown by the Congolese people to embrace a democratic future;

2. *Takes note of* the continuing investigation by the Office of the Prosecutor of the International Criminal Court, based upon the referral of the Democratic Republic of the Congo, into crimes allegedly committed in the territory of the Democratic Republic of the Congo since the entry into force of the Rome Statute of the International Criminal Court on 1 July 2002;

3. *Requests* the United Nations High Commissioner for Human Rights to ensure that consultations continue between the field office of the Office of the High Commissioner for Human Rights in the Democratic Republic of the Congo and the Secretary-General concerning the ways in which to assist the transitional Government of the Democratic Republic of the Congo in tackling the problem of impunity, and looks forward to the report of the High Commissioner to the Commission on Human Rights at its sixty-second session on those consultations and on possible options for putting an end to the impunity of the perpetrators of crimes committed before 1 July 2002;

4. *Condemns*:

(a) The ongoing violations of human rights and international humanitarian law, particularly in North Kivu and South Kivu, northern Katanga and other areas in the eastern part of the Democratic Republic of the Congo, including armed violence and reprisals against the civilian population and the recourse to sexual violence against women and children, including in situations where such practices are being used as a weapon of war;

(b) The killing of United Nations peacekeeping troops by militia groups in Ituri province, eastern Democratic Republic of the Congo, in February 2005 and in June 2005;

(c) The killing of Pascal Kabungulu Kihembo, Executive Secretary of the human rights NGO, Héritiers de la Justice, on 31 July 2005 and the harassment of human rights defenders across the country, but particularly in the eastern Democratic Republic of the Congo;

(d) The continued illegal exploitation of natural resources in the eastern Democratic Republic of the Congo and killings and other serious crimes against civilians committed by groups linked to the mining and trading of these resources, as well as the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms as one of the factors fuelling and exacerbating conflicts in the Democratic Republic of the Congo;

5. Urges all the parties, including non-signatories of the Global and All-Inclusive Agreement on the Transition, in the Democratic Republic of the Congo:

(a) To respect and further implement the Global and All-Inclusive Agreement and to cease immediately any action which impedes the consolidation of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

(b) To support the transitional Government and its institutions in order to allow for the re-establishment of political and economic stability and for the gradual reinforcement of State structures over the entire territory of the Democratic Republic of the Congo, in accordance with their obligations under the transitional Constitution and as per the text of the Constitution submitted for referendum in December;

(c) To put an immediate end to the recruitment and use of child soldiers, which is contrary to international law and to the African Charter on the Rights and Welfare of the Child,[2] with the understanding that, under the Convention on the Rights of the Child[3] and the Optional Protocol thereto on the involvement of children in armed conflict,[4] and in accordance with Security Council resolutions 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005 on children and armed conflict, persons under the age of 18 are entitled to special protection, and to develop and implement without delay the action plans called for in Security Council resolutions 1539 (2004) and 1612 (2005);

(d) To take special measures to protect women and children from the appalling violence, including sexual violence, which continues to be prevalent throughout the country, in particular in the eastern part of the country, and to bring the perpetrators of such crimes to justice as soon as possible, and condemns in particular the widespread use of sexual violence as a means of warfare;

(e) To respect international humanitarian law, in particular on the protection of civilians and to ensure the safety, security and freedom of movement of all civilians and United Nations and associated personnel, and the unhindered access of humanitarian personnel to all of the affected population throughout the territory of the Democratic Republic of the Congo in accordance with Security Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000;

(f) To promote the full enjoyment of all human rights and to protect the safety, security and freedom of movement of all human rights defenders;

6. Calls upon the Government of National Unity and Transition to take specific measures:

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[2] *Human Rights: A Compilation of International Instruments*, vol. II, *Regional Instruments* (United Nations publication, Sales No. E.97.XIV.1), sect. C, No. 39.

[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[4] Resolution 54/263, annex I.

(a) To complete the objectives of the transitional period as laid down in the Global and All-Inclusive Agreement, in particular the holding of free and transparent elections at all levels within the specified timetable, enabling the establishment of a democratic constitutional regime, and the formation of a restructured and fully integrated national army, and also the formation of an integrated and adequately resourced national police force, while ensuring that government institutions, including the army and police are trained in human rights aspects of their work, and ensuring that both light and heavy weapons are being surrendered in the disarmament process;

(b) To strengthen the transitional institutions, in particular to set up effectively the Independent Electoral Commission, and to make more effective the institutions for the strengthening of democracy, the Truth and Reconciliation Commission, the Human Rights Monitoring Centre, and the Haute-Autorité des Médias, and to re-establish stability and the rule of law over the entire territory of the Democratic Republic of the Congo, thereby returning peace and progress to its people;

(c) To comply fully with its obligations under international human rights instruments and, accordingly, to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights and the Human Rights Section of the United Nations Organization Mission in the Democratic Republic of the Congo;

(d) To put an end to impunity and to ensure, as it is duty-bound to do, that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with applicable international procedural standards, and to carry out urgently a comprehensive reform of the judicial and prison system;

(e) To promote the full enjoyment of all human rights by women and children and to meet the special needs of women and girls in post-conflict reconstruction, as well as to ensure the full participation of women in all aspects of conflict resolution and peace processes, including peacekeeping, conflict management and peacebuilding, as a matter of priority, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security;

(f) To continue to cooperate fully with the International Criminal Court and with the International Criminal Tribunal for Rwanda, by ensuring that they have all necessary means with which to accomplish their tasks;

(g) To continue to uphold its commitment to abolishing the death penalty and not to impose it on juvenile offenders in line with its obligations assumed under the relevant provisions of the International Covenant on Civil and Political Rights[1] and other human rights instruments;

(h) To prevent the use of the media to incite hatred or tensions among communities, while respecting freedom of expression and of the press, particularly during the electoral campaign.

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[1] See resolution 2200 A (XXI), annex.

(c) To ensure that human rights defenders are protected from abuses, threats and harassment;

(d) To accelerate its programme to demobilize, disarm and reintegrate former combatants, taking into account the special needs of women and children, including girls, associated with those combatants;

(e) To ensure the rights and well-being of internally displaced persons;

(f) To increase its efforts to eliminate corruption in the Democratic Republic of the Congo, which contributes to a general climate of impunity, and to take steps towards the setting up of an arrangement to strengthen support for good governance and transparent economic management, with the support of the International Committee in Support of the Transition, the United Nations Organization Mission in the Democratic Republic of the Congo, international financial institutions and donors;

7. *Calls upon* the Governments of countries in the region, including the Democratic Republic of the Congo:

(a) To contribute to preventing armed groups operating in the eastern Democratic Republic of the Congo from perpetrating killings and other serious crimes by tackling the illicit trade by these armed groups in illegally extracted natural resources as well as the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms, including by preventing support for such armed groups, while fully respecting the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

(b) To work with the United Nations Organization Mission in the Democratic Republic of the Congo to take urgent steps towards the disarmament and resettlement or repatriation of foreign armed groups, which remain a threat to regional peace and perpetrate killings and serious crimes against the civilian population of the Democratic Republic of the Congo;

(c) To support the transitional process in the Democratic Republic of the Congo and adhere fully to the Principles on Good-neighbourly Relations and Cooperation between the Democratic Republic of the Congo and Burundi, Rwanda and Uganda signed in New York on 25 September 2003,* to continue to work towards the successful implementation of the Joint Verification Mechanism and work through the Tripartite Commission Plus One and to respect the principles of the Dar es Salaam Declaration of November 2004, and welcomes steps taken in this regard to date;

(d) To peacefully repatriate Forces démocratiques pour la libération du Rwanda members returning to Rwanda, in accordance with the applicable norms of international law and with respect for human rights and fundamental freedoms, and to ensure the rights and well-being of returnees and refugee populations;

(e) To continue to cooperate with the International Criminal Court and with the International Criminal Tribunal for Rwanda, and specifically in the case of the Democratic Republic of the Congo, to make swift progress towards passing

* S/2003/1053, annex.

legislation necessary for the International Criminal Court's investigations in the Democratic Republic of the Congo to proceed smoothly,

8. *Urges* the Secretary-General to continue his work aimed at eliminating sexual exploitation and abuse committed by personnel serving the United Nations Organization Mission in the Democratic Republic of the Congo;

9. *Encourages* the international community:

(a) To continue to support the transitional process in the Democratic Republic of the Congo and its institutions and, in particular, to support the electoral process and to provide further assistance for the reform of the justice system;

(b) To observe the arms embargo on the Democratic Republic of the Congo established by Security Council resolution 1493 (2003) of 28 July 2003 and expanded by resolution 1596 (2005) of 18 April 2005, and to enforce the sanctions measures against individuals identified by the Security Council in line with its resolution 1596 (2005) and its resolution 1616 (2005) of 29 July 2005;

(c) To continue to exert political pressure on concerned States and members of armed groups based in the eastern Democratic Republic of the Congo in order to limit their capacity for continued fund-raising, which contributes to ongoing killings and other serious crimes;

10. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the independent expert on the situation of human rights in the Democratic Republic of the Congo to report to the General Assembly at its sixty-first session.